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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206921
Party	Plaintiff Rich Products Corporation
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Date	08/20/2015
Attachments	Revised Stipulation.pdf(122935 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 85/577,551  
For the Mark: BETTER ON TOP!

Rich Products Corporation,	)	
	)	
Opposer,	)	Opposition No. 91206921
	)	
v.	)	
	)	
VegiPro Brands, LLC DBA Exposure SMI,	)	
	)	
Applicant.	)	
	)	
	)	
	)	

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**REVISED STIPULATION TO PROCEED UNDER ACR**

Opposer, Rich Products Corporation (“Rich”), and Applicant, VegiPro Brands, LLC DBA Exposure SMI (“VegiPro”) (collectively the “Parties”), hereby stipulate to proceed under the Accelerated Case Resolution (ACR) procedure as follows:

1. The Board, in lieu of a full trial, may employ its Accelerated Case Resolution (ACR) procedure to resolve this proceeding based on Rich’s motion for summary judgment and supporting memorandum (Doc. No. 16), VegiPro’s opposition (Doc. No. 18), Rich’s reply brief (Doc. No. 19), and all declarations and evidence submitted therewith (the Parties’ aforementioned briefing and evidence is collectively referred to as the “Summary Judgment Submission”).

2. The Parties may submit and the Board will consider one supplemental brief from each party for purposes of the ACR trial and decision. For purposes of this submission, Applicant's brief will be submitted after Opposer's brief as set out in paragraph 6 below. Each Party's supplemental brief will have a 15-page limit. In addition, Opposer may submit a supplemental brief in reply with a 10-page limit. Further, the Parties may submit and the Board will consider supplemental testimony by declaration (which may include additional exhibits) (the supplemental briefs and supplemental declarations are collectively referred to as "Supplemental Submissions"). The Parties may not submit evidence through any notices of reliance.
3. The Parties are not required to make pretrial disclosures and any pretrial disclosures previously made are now moot.
4. The evidence submitted in connection with the Summary Judgment Submission and Supplemental Submissions is authentic for purposes of admission into evidence and deemed properly of record for purposes of the ACR trial and the Board's final ACR decision.
5. With the exception of paragraph 4 above, the Parties may make evidentiary, relevance, and other objections and arguments in their respective briefs.

6. The Parties agree to the following briefing schedule regarding the

Supplemental Submissions:

- Deadline for Filing Rich's Supplemental Submission, if any: 09/29/2015
- Deadline for Filing VegiPro's Supplemental Submission, if any: 10/19/2015
- Deadline for Filing Rich's Supplemental Submission in reply, if any: 10/29/2015

7. The Board may resolve any genuine issues of material fact, including the drawing of reasonable inferences from any such fact(s) presented by the Parties' Summary Judgment Submission and Supplemental Submissions noted above.

8. Any party to this proceeding who is dissatisfied with the ACR decision of the Board retains the right to appeal to the United States Court of Appeals for the Federal Circuit ("Federal Circuit") or to appeal by civil action in a United States District Court in accordance with 37 C.F.R. § 2.145 and TBMP §§ 900 and 901.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2015, the foregoing **REVISED STIPULATION TO PROCEED UNDER ACR** was filed electronically. Notice of this filing was served by electronic mail on the following attorney for Applicant:

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